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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

17 In re FACEBOOK BIOMETRIC) Master File No. 3:15-cv-03747-JD
18 INFORMATION PRIVACY LITIGATION)
19 _____)
20 This Document Relates To:) PLAINTIFFS' NOTICE REGARDING
21) FACEBOOK, INC.'S MOTION FOR
ALL ACTIONS.) CONSIDERATION OF UNTIMELY
) DECLARATION IN SUPPORT OF
) SEALING CONFIDENTIAL
) INFORMATION PURSUANT TO CIVIL
) LOCAL RULE 79-5
22 FREDERICK W. GULLEN, Individually and)
on Behalf of All Others Similarly Situated,)
23 Plaintiff,)
24 vs.) Case No. 3:16-cv-00937-JD
25 FACEBOOK, INC.,)
26 Defendant.)
27)

1 Plaintiffs in the above-referenced actions hereby submit this notice regarding Defendant
 2 Facebook, Inc.'s¹ Motion for Consideration of Its Untimely Declaration in Support of Sealing
 3 Confidential Information Pursuant to Civil Local Rule 79-5 (Dkt. No. 184) (the "Motion"). As
 4 explained below, Plaintiffs take no position on the merits of Facebook's Motion but understand the
 5 Court's subsequent order scheduling the Motion for hearing to supersede or hold in abeyance
 6 Plaintiffs' original deadline to file an unredacted version of the discovery letter.

7 On November 28, 2016, Plaintiffs filed an administrative motion to file under seal portions of
 8 a discovery letter designated confidential by Facebook. Dkt. No. 173. Because Facebook failed to
 9 timely file a declaration in support as required by the civil local rules of this Court, on January 9,
 10 2017, the Court ordered Plaintiffs "to file an unredacted version of their letter on the public record
 11 no earlier than 4 days and no later than 10 days" of that order. Dkt. No. 182. On January 10, 2017,
 12 Facebook filed the Motion and a declaration in support attaching both redacted and unredacted
 13 versions of the discovery letter. Dkt. No. 184. On January 11, 2016, the Court issued an order
 14 scheduling Facebook's Motion for hearing on February 16, 2017. Plaintiffs take no position on the
 15 merits of Facebook's Motion.

16 Given that Facebook has since filed the Motion with a declaration, attaching both redacted
 17 and unredacted versions of the discovery letter, and given that the Court has since set Facebook's
 18 Motion for hearing several weeks after Plaintiffs' original 10-day deadline for filing an unredacted
 19 version of the discovery letter, Plaintiffs understand that the original 10-day deadline has been
 20 superseded or held in abeyance by the Court's subsequent scheduling order. Accordingly, Plaintiffs
 21 understand that determination of whether and, if necessary, when to file an unredacted version of the
 22 discovery letter must await the scheduled February 16, 2017 hearing on the Motion.

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¹ ("Facebook")

1 In the alternative, should the Court so order, Plaintiffs stand ready to immediately file an
2 unredacted version of the discovery letter.

3 | DATED: January 19, 2017

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CERTIFICATE OF SERVICE

2 I hereby certify that on January 19, 2017, I authorized the electronic filing of the foregoing
3 with the Clerk of the Court using the CM/ECF system which will send notification of such filing to
4 the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I
5 caused to be mailed the foregoing document or paper via the United States Postal Service to the non-
6 CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 19, 2017.

s/ Shawn A. Williams
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Mailing Information for a Case 3:15-cv-03747-JD In re Facebook Biometric Information Privacy Litigation

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